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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/841,423

04/23/2001

John Carney

40004572-0003-002

5451

26263

7590

07/16/2008

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EXAMINER

DUFFIELD, JEREMY S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/841,423

**Applicant(s)**

CARNEY ET AL.

**Examiner**

JEREMY DUFFIELD

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-6, 8-11, 13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-11, 13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Miscellaneous***

1. Please note that the examiner of record for this application has changed.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 June 2008 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3, 4, 5, 11, 13, 15, and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claim 16 is objected to because of the following informalities: Line 8, "personalization data to on or more receivers" needs to be changed to --personalization data to one or more receivers--. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-6, 8-11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (US 7,080,039) in view of Wilson (US 5,742,680).

Regarding claim 1, Marsh teaches in an interactive television (TV) environment (Fig. 2), a method for selectively providing authorized interactive TV content comprising:

broadcasting interactive TV content via a broadcast stream (Col. 3, lines 19-62; Col. 6, lines 41-63; Col. 14, lines 38-52),

wherein at least some of the interactive TV content is tagged content, the tagged content being marked by tags having one or more keys or personalization data (Fig. 4, el. 270, 268, 279; Col. 9, lines 10-56; Col. 14, lines 15-25; Col. 16, line 60-Col. 17, line 53); and

wherein the tagged content is authorized for display only by receivers provided with matching keys or personalized data (Fig. 4, el. 270, 268, 279; Col. 9, lines 10-56; Col. 14, lines 15-25; Col. 16, line 60-Col. 17, line 53); and

wherein the matching keys or personalized data are selectively provided to one or more of the receivers such that at least some of the one or more receivers are authorized to selectively output or make use of the tagged content

based on matching keys or personalized data (Col. 6, lines 41-63; Col. 14, lines 38-52; Col. 16, line 60-Col. 17, line 53; Col. 15, lines 9-20).

Marsh does not clearly teach broadcasting the matching keys or personalization data.

Wilson teaches periodically updating the encryption/decryption key and algorithm information stored within smart cards through the use of an encrypted data channel (Col. 5, lines 30-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsh to selectively broadcast the matching keys or personalization data to one or more receivers, using the method taught by Wilson, for the purpose of having a fast key update time which allows for a more secure network.

Regarding claim 3, claim is analyzed with respect to claim 1.

Regarding claim 4, Marsh in view of Wilson teaches checking the tags having one or more keys or personalization data with the keys or personalization data selectively provided to the one or more receivers or the one or more network system nodes, the checking to be performed by one or more receivers via use of a remote control or directly at the one or more network system nodes using a console application (Marsh-Col. 4, lines 21-67; Col. 8, lines 33-64; Col. 9, lines 10-42).

Regarding claim 5, Marsh in view of Wilson teaches displaying the authorized interactive TV content when the checking reveals a match between a checked tag and one or more checked keys or personalization data selectively provided to the one or more receivers or the one or more network system nodes (Marsh-Col. 11, line 40-Col. 12, line 42; Col. 16, line 45-Col. 17, line 54).

Regarding claim 6, claim is analyzed with respect to claim 1.

Regarding claim 8, claim is analyzed with respect to claim 3.

Regarding claim 9, claim is analyzed with respect to claim 4. Marsh in view of Wilson further teaches a filtering module, i.e. encryption module and content protection controller module (Marsh-Fig. 3, el. 222, 238).

Regarding claim 10, claim is analyzed with respect to claim 5.

Regarding claim 11, claim is analyzed with respect to claims 1, 9, and 10.

Regarding claim 13, claim is analyzed with respect to claim 1.

Regarding claim 15, claim is analyzed with respect to claims 1, 4, and 5.

7. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in view of Wilson and further in view of Srinivasan (US 6,357,042).

Regarding claim 16, Marsh teaches in an interactive television system, a personalization and authorization platform architecture comprising:

broadcasting interactive TV content via a broadcast stream (Col. 3, lines 19-62; Col. 6, lines 41-63; Col. 14, lines 38-52),

wherein at least some of the interactive TV content is tagged content, the tagged content being marked by tags having one or more keys or personalization data (Fig. 4, el. 270, 268, 279; Col. 9, lines 10-56; Col. 14, lines 15-25; Col. 16, line 60-Col. 17, line 53); and

wherein the tagged content is authorized for display only by receivers provided with matching keys or personalized data (Fig. 4, el. 270, 268, 279; Col. 9, lines 10-56; Col. 14, lines 15-25; Col. 16, line 60-Col. 17, line 53);

wherein the matching keys or personalized data are selectively provided to one or more of the receivers such that at least some of the one or more receivers are authorized to selectively output or make use of the tagged content based on matching keys or personalized data (Col. 6, lines 41-63; Col. 14, lines 38-52; Col. 16, line 60-Col. 17, line 53; Col. 15, lines 9-20);

a personalization server to create tagged content, i.e. on-demand provider receives a household identifier from a user and encrypts the content based on the identifier (Col. 16, line 60-Col. 17, line 53); and

a key and personalization distribution system to provide the keys and and/or personalization data to the personalization server, i.e. on-demand provider (Col. 16, line 60-Col. 17, line 53).

Marsh does not clearly teach broadcasting the matching keys or personalization data; and

a personalization server to receive a television (TV) broadcast, to include interactive content with the TV broadcast in a broadcast stream.

Wilson teaches periodically updating the encryption/decryption key and algorithm information stored within smart cards through the use of an encrypted data channel (Col. 5, lines 30-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsh to selectively broadcast the matching keys or personalization data to one or more receivers, using the method taught by Wilson, for the purpose of having a fast key update time which allows for a more secure network.

Marsh in view of Wilson does not clearly teach a personalization server to receive a television (TV) broadcast, to include interactive content with the TV broadcast in a broadcast stream; and

a key and personalization distribution system to provide the keys and and/or personalization data to the personalization server.

Srinivasan teaches a personalization server, i.e. authoring station/ISP (Fig. 1, el. 11; Fig. 7, el. 51, Fig. 16, el. 203), to receive a television (TV)



broadcast (Fig. 17, el. 245; Col. 5, line 65-Col. 6, line 8; Col. 36, line 51-Col. 37, line 67), to include interactive content with the TV broadcast in a broadcast stream (Col. 6, lines 8-20; Col. 36, line 51-Col. 37, line 67), and to create tagged content, i.e. interactive content is associated with user identity and address data (Col. 6, lines 8-20; Col. 36, line 51-Col. 37, line 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsh in view of Wilson to include a personalization server to receive a television (TV) broadcast and to include interactive content with the TV broadcast in a broadcast stream, using the keys and personalization data taught by Marsh in view of Wilson with the methods taught by Srinivasan, for the purpose of giving the user a better overall viewing experience by using additional information for television programs.

Regarding claim 17, claim is analyzed with respect to claim 4.

Regarding claim 18, claim is analyzed with respect to claim 5.

Regarding claim 19, Marsh in view of Wilson in view of Srinivasan teach a broadcaster or network operation determines which TV broadcast can include interactive content, i.e. the interactive content is inserted into the broadcast stream (Srinivasan-Col. 6, lines 8-20; Col. 36, line 51-Col. 37, line 67).

Regarding claim 20, Marsh in view of Wilson in view of Srinivasan teach the broadcaster or network operator determine which keys and/or personalization data to use to tag the interactive content (Marsh-Col. 7, lines 1-10; Col. 16, line 60-Col. 17, line 10).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2623

7 July 2008

JSD

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623